

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

United States of America, *et al.*,

Plaintiff,

v.

Google LLC

Defendant.

Case No. 1:23-cv-00108-LMB-JFA

The Honorable Leonie M. Brinkema

**DECLARATION OF MARIA STUCKEL IN SUPPORT OF NON-PARTIES
OMNICOM GROUP INC., DDB WORLDWIDE COMMUNICATIONS GROUP LLC,
GSD&M LLC, AND OMD USA LLC'S MEMORANDUM IN RESPONSE TO, AND IN
SUPPORT OF, THE PARTIES' MOTIONS TO SEAL (ECF NOS. 605, 612, 651, 661,
667, and 712)**

DECLARATION OF MARIA STUCKEL

I, Maria Stuckel, declare as follows:

1. I am the Vice President, Mission Task Lead, Team DDB at DDB Chicago Inc. (“DDB”), a subsidiary company of Omnicom Group Inc. (“Omnicom”). I have personal knowledge of the facts set forth herein and if called as a witness could and would testify competently to them. I make this declaration in support of Omnicom’s Motion to Seal Portions of the Parties’ Briefing on Summary Judgment.

2. DDB is an integrated creative advertising agency that creates advertising and marketing campaigns on behalf of clients. These campaigns are designed to meet each client’s specific business or awareness goals and are a product of extensive client input, market research, and creative brainstorming. As a subject matter expert in the creative advertising and marketing space, DDB is intimately familiar with the platforms, products, and tools available to advertising and marketing clients.

3. I have been a lead account director on the United States Army’s account with DDB for the last three years. As an account director, I oversee all aspects of the Army’s account in regards to National Paid Media, from creation to paid media strategy development to paid media activities.

4. Exhibit 77 to the Declaration of Bryon Becker in Support of Defendant’s Motion for Summary Judgment (ECF No. 602-6) includes a 2022 DDB presentation prepared for the Army that outlines DDB’s proposed process for optimizing the performance of the Army’s national media campaigns. This presentation provides an in-depth, step-by-step outline of DDB’s optimization strategy, including the data sources that DDB proposes utilizing to track performance

as well as specific actions that DDB recommends taking to optimize performance based on the data results. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

5. Exhibit 70 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment (ECF No. 659-8) is the total media strategy PowerPoint presentation presented to the Army for the year of 2022. The purpose of this presentation is to gain client alignment with DDB's proposed media plan for the upcoming year. This presentation provides in-depth analysis and discussion on the types of media channels DDB is recommending that the Army invest in, including the purpose of each media channel, the specific content to be shared via the media channels, and DDB's recommended partners, publishers, and platforms for which to implement each aspect of the media plan. The presentation also includes recommended investment amounts based on the Army's goals and objectives. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

6. Exhibit 154 to Defendant's Reply in Support of its Motion for Summary Judgment (ECF No. 709-19) includes a DDB presentation prepared for the Army regarding DDB's national paid media utilization assessments for the fourth quarter of the 2021 fiscal year. The purpose of this presentation is to provide the Army with a comprehensive review of the Army's media plan for the last quarter, including analysis on the effectiveness of different media channels and the performance of the partners, publishers, and platforms that DDB used to implement the media plan. The portion of the presentation included in Exhibit 154 also includes an in-depth breakdown of the marketing mix that DDB recommended to the Army for the fourth

quarter of the 2021 fiscal year, including recommended investment amounts based on the Army's goals and objectives. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

7. The creative concepts and innovative approaches to media buying and planning that DDB presents in these presentations are what differentiate DDB from another agency. Revealing these details could expose these creative elements to competitors, who might then replicate or undermine DDB's innovative strategies and competitive edge. DDB's discussions, analyses, and strategic recommendations to a client regarding its media marketing have substantial economic and competitive value to DDB. DDB spends a significant amount of money and resources to develop the specialized knowledge of the media, advertising and marketing marketplace required to create commercially competitive strategy recommendations and guidance for clients.

8. Public disclosure of these presentations and the information contained within them would be detrimental to both the Army and DDB. Public disclosure would reveal the Army's intimate secrets and provide insight into their marketing priorities, objectives, and goals, all of which is shaped by the work of DDB. The disclosure of the Army's unique marketing strategy would also give DDB's competitors an inside look into how DDB operationalizes a full-service media, advertising and marketing account plan for specific clients. This is the exact sort of analysis and planning upon which DDB competes to remain competitive in the market.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 14, 2024, in Florence, Italy.



Maria Stuckel